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| 10/799,547      | 03/11/2004  | Evan E. Koslow       | KT-P-031US          | 7831             |

7590 12/30/2005

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| EXAMINER |
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KURTZ, BENJAMIN M

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| ART UNIT | PAPER NUMBER |
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1723

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/799,547

Applicant(s)

KOSLOW, EVAN E.

Examiner

Benjamin Kurtz

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/11/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/11/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:
2. The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
3. Claims 9, 13-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 13 and 18 recite the limitation "the filter cartridge". There is insufficient antecedent basis for this limitation in the claims. Claims 13 recites the limitation "said at least one clamp". There is insufficient antecedent basis for this limitation in the claim. Claim 9 recites the limitation "said clamp actuating mechanism". There is insufficient antecedent basis for this limitation in the claim.
4. For examination purposes "the filter cartridge" of claim 13 and 18 is treated as a filter cartridge, "said clamp actuating mechanism" is treated as the clamp actuator and "said at least one clamp" is treated as at least one clamp.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 1,3-4,6,8-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Hunter Patent No. 5,114,572.

7. Regarding claim 1, Hunter (572) discloses a filter housing comprising: a sump (10) (fig. 2), a head (11) having an inlet (72) and an outlet (50) in fluid communication with the filter cartridge (12) (fig. 1&2) and the head (11) is removably attached to the sump (10) (col. 2, lines 66-67), a radial sealing means (42) between the head (11) and the sump (10) (fig. 2), a pressure relief mechanism (38) that depressurizes the sump (10) prior to removing the sump (10) from the head (11) (fig. 2, col. 5, lines 52-58), at least one clamp (93) attaching the sump (10) to the head (11) (fig. 2), and a clamp actuator (88) (fig. 2).

8. Regarding claim 3, Hunter (572) discloses the radial sealing means (42) comprise an O-ring (col. 3, lines 37-41).

9. Regarding claim 4, Hunter (572) discloses the clamp (93) is driven with a spring (96) (fig. 2, col. 5, lines 9-10).

10. Regarding claim 6, Hunter (572) discloses the clamp actuator (88) comprises a linear cam in mechanical communication with the clamp (93) (fig. 2).

11. Regarding claim 8, Hunter (572) discloses a safety mechanism (92) that is responsive to a pressure inside the filter housing (col. 4, line 67 – col.5, line 4).

12. Regarding claim 9, Hunter (572) discloses the safety mechanism (92) locks the clamp actuator (88) (col. 4, line 67 – col. 5, line 13).

13. Regarding claim 10, Hunter (572) discloses means for locking the clamp (93) in an open position (col. 4, line 67 – col. 5, line 13).

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14. Regarding claim 11, Hunter (572) discloses a filter cartridge (12) (col. 2, lines 66-68).

15. Regarding claim 12, Hunter (572) discloses a filter cartridge (12) having one or more sealing means (56, 58) with a stub end cap (54) and filtered fluid flows through the stub end cap (54) and out through the outlet (50) of the head (11) (fig. 1&2, col. 4, lines 8-15).

16. Regarding claim 13, Hunter (572) discloses a filter housing comprising: a sump (10) enclosing a filter cartridge (12) (fig. 2), a head (11) removeably attached to the sump (10) (col. 2, lines 66-67) the head (11) having an inlet (72) and an outlet (50) in fluid communication with the filter cartridge (12) (fig. 1&2), a radially sealing means (42) between the sump (10) and the head (11) (fig. 2), a pressure relief mechanism (38) that depressurizes the sump (10) prior to removing the sump (10) from the head (11) (fig. 2, col. 5, lines 52-58), at least two clamps (93 and 44a) in peripheral arrangement for attaching the head (11) and the sump (10) (fig. 2, col. 5, lines 13-23) and the clamps (44a and 93) have a planar portion (fig. 2), and a linear cam (88) in mechanical communication with at least one clamp (93) at an interface with the planar portion of the at least one clamp (93) (fig. 2) the cam (88) moves the clamp (93) to an open position and to a closed position (col. 5, lines 4-13).

17. Regarding claim 14, Hunter (572) discloses the radial sealing means (42) comprise an O-ring (col. 3, lines 37-41).

18. Regarding claim 15, Hunter (572) discloses the clamp (93) is driven with a spring (96) (fig. 2, col. 5, lines 9-10).

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19. Regarding claim 16, Hunter (572) discloses a safety mechanism (92) that is responsive to a pressure inside the filter housing (col. 5, lines 8-13).

20. Regarding claim 17, Hunter (572) discloses the safety mechanism (92) locks the clamp actuator (88) (col. 4, line 67 – col. 5, line 13).

***Claim Rejections - 35 USC § 103***

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (572) in view of Chiang Patent No. 5,294,335. Hunter (572) discloses the filter housing of claim 1, but does not disclose the means for providing a liquid-tight seal, between the sump and the head, is attached to the head. Chiang (335) discloses a filter housing with a liquid tight sealing means (117) between a sump (3) and a head (11) where the sealing means (117) is attached to the head (11) (fig. 1, col. 3, lines 9-16). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the filter housing as taught by Hunter (572) with the sealing means as taught by Chiang (335). The sealing means seal off the internal rim of the sump (col. 3, lines 15-16).

23. Claims 5,7,18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (572) in view of E. E. Johnston Patent No. 831,353.

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24. Regarding claim 5, Hunter (572) discloses a filter housing with a clamp (93) but does not disclose the clamp being positioned in a horizontal plane around corresponding rims of the head and the sump. Johnston (353) discloses a head (2) and a sump (1) and a clamp (9 or 10) and the clamp (9 or 10) is in a horizontal plane around corresponding rims of the head (2) and the sump (1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the filter housing as taught by Hunter (572) with the clamp as taught by Johnston (353). The locking mechanism holds the cover on tightly and prevents the slipping of the cover from the edges of the vessel (col. 2, lines 102-106).

25. Regarding claim 7, Hunter (572) discloses the filter housing of claim 1, but does not disclose the clamp actuator comprises a rotary cam in conjunction with a linear cam. Johnston (353) discloses: a head (2) and a sump (1), and a clamp actuating mechanism comprising a linear cam (6 or 7) in conjunction with a rotary cam (3) (fig. 1&2, col. 1, 2<sup>nd</sup> paragraph line 6 – col. 2, line 64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the filter housing as taught by Hunter (572) with the locking mechanism as taught by Johnston (353). The locking mechanism holds the cover on tightly and prevents the slipping of the cover from the edges of the vessel (col. 2, lines 102-106).

26. Regarding claim 18, Hunter (572) discloses a filter housing comprising: a sump (10) enclosing a filter cartridge (12) (fig. 2), a head (11) removeably attached to the sump (10) (col. 2, lines 66-67) the head (11) having an inlet (72) and an outlet (50) in fluid communication with the filter cartridge (12) (fig. 1&2), a radial sealing means (42)

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between the sump (10) and the head (11) (fig. 2), a pressure relief mechanism (38) that depressurizes the sump (10) prior to removing the sump (10) from the head (11) (fig. 2, col. 5, lines 52-58), at least two clamps (93 and 44a) under a tension load in peripheral arrangement for attaching the head (11) and the sump (10) (fig. 2, col. 5, lines 13-23) and the clamps (44a and 93) have a planar portion (fig. 2). Hunter (572) does not disclose a linear cam in conjunction with a rotary cam. Johnston (353) discloses: a head (2) and a sump (1), at least two clamps (9,10) under tension load in a peripheral arrangement for attaching the head (2) and the sump (1), and a clamp actuating mechanism comprising a linear cam (6 or 7) in conjunction with a rotary cam (3) wherein the linear motion of the linear cam (6 or 7) is translated to rotational motion of the rotary cam (3) to open two clamps (9,10) when the linear cam (6 or 7) is moved along a plane (fig. 1&2, col. 1, 2<sup>nd</sup> paragraph line 6 – col. 2, line 64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the filter housing as taught by Hunter (572) with the locking mechanism as taught by Johnston (353). The locking mechanism holds the cover on tightly and prevents the slipping of the cover from the edges of the vessel (col. 2, lines 102-106).

27. Regarding claim 19, Hunter (572) further discloses the radial sealing means (42) comprise an O-ring (col. 3, lines 37-41).

28. Regarding claim 20, Hunter (572) further discloses a safety mechanism (92) that is responsive to a pressure inside the filter housing (col. 4, line 67 – col.5, line 4).

### ***Conclusion***



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin Kurtz whose telephone number is 571-272-8211. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bk

  
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